



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

OCT 27 2003

VIA FACSIMILE AND
CERTIFIED MAIL (return receipt requested)

Frank L. Amoroso, Esq.
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State of Connecticut
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Re: Schedule for Reply Briefs in the Consistency Appeal of the Islander East Pipeline Company

Dear Messes Amoroso and Wrinn:

This letter responds to your recent correspondence suggesting due dates for filing reply briefs in the Islander East appeal. After considering the points raised by the parties, the following schedule has been established.

Filing Dates

- Islander East reply brief and supporting materials - **December 12, 2003.**
- State of Connecticut reply brief and supporting materials - **January 16, 2004.**

The briefing schedule allows the appeal to move forward in a timely manner while providing an opportunity for the parties to review materials from the public hearing (scheduled for November 5, 2003) and comments received during the public comment period. The period for review is necessary to allow a meaningful consideration of the public's comments. Although the public comment period closes on November 20, 2003, timely comments typically continue to arrive via mail for a short period after this date. Further, there is also an unavoidable lag from receipt of the comments until they are made available to the parties via posting on the Department of Commerce (Department) website.



The reply brief schedule does not include the filing of a surreply brief as proposed by Islander East. A surreply brief is not routinely submitted in federal consistency appeals before the Department. At present, there does not appear to be a need for such a brief from the appellant.

The parties are advised to address in a comprehensive manner all grounds on which the Secretary has been requested to override the State's objection to Islander East's proposed project and to file their submissions in triplicate. Following the receipt of all briefs, and upon NOAA's determination that the administrative record is complete, a Federal Register notice will be published announcing closure of the record.

If there are any questions, please contact Branden Blum, Senior Counselor, Office of General Counsel for Ocean Services at 301-713-2967 ext. 207.

Sincerely,

A handwritten signature in black ink, reading "James R. Walpole". The signature is written in a cursive, flowing style.

James R. Walpole
General Counsel